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NOV 20 2008	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	DEPUTY

1 Van E. Flury  
 2 4009 W. Kiva Street  
 3 Laveen, Arizona 85339  
 4 (602) 237-9152, (602) 319-8777

5 Plaintiff, Pro Per

6 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

7  
 8 VAN E. FLURY, an individual,

9 Plaintiff,

10 vs.

11 HEALTHCARE COLLECTIONS, INC., an  
 12 Arizona state corporation,

13 CHOICEPOINT, INC., a Georgia state  
 14 corporation,

15 COUNTRYWIDE FINANCIAL  
 16 CORPORATION, a California state foreign  
 17 corporation,

18 LANDSAFE CREDIT, INC., a California  
 19 state corporation;

20 Defendants.

CASE NO. CV-08-02098-PHX (SRB)

1<sup>st</sup> AMENDED COMPLAINT

**VIOLATIONS OF FAIR CREDIT  
 REPORTING ACT**

## 21 JURISDICTION

22 1) Plaintiff alleges the Court's jurisdiction of this matter pursuant to a Federal Question: the  
 23 cause of action against all defendants arising under the laws of the United States, pursuant to the:  
 24 *FCRA, U.S.C. Title 15, section [ 1681 ] et seq.*

## 25 COMPLAINT

26 **HEALTHCARE COLLECTIONS, INC.**

27 Complaint - Fair Credit Reporting Act.

28  
 SCANNED  
 11/20/08

1  
2 2) Plaintiff alleges that the defendant, HealthCare Collections, Inc. [ is not ] a licensed  
3 collection agency in the state of Arizona.

4  
5 3) Plaintiff further alleges that the defendant, HealthCare Collections, Inc., is willfully and  
6 knowingly, reporting [ 4 ] adverse collection accounts to the consumer credit files of the plaintiff,  
7 Van E. Flury; specifically, TransUnion, Equifax, and Experian; from 4/26/2006, to present, even  
8 though the defendant, HealthCare Collections, Inc., [ is not ] a licensed collection agency in the  
9 state of Arizona.

10  
11 4) Plaintiff further alleges that the defendant, HealthCare Collections, Inc., has violated the  
12 [FCRA], specifically, *U.S.C. Title 15, sec. 1681s-2, Responsibilities of furnishers of information*  
13 *to the consumer reporting agencies*, [ 4 ] times against the plaintiff, Van E. Flury, by willfully and  
14 knowingly, reporting the [ 4 ] adverse collection accounts to plaintiff's, TransUnion, Equifax, and  
15 Experian credit files.

16  
17 5) Plaintiff further alleges that the adverse collection accounts are being specifically reported to  
18 plaintiff's consumer credit files by the legal entity of: [ **HealthCare Collections, Inc.** ].

19  
20  
21 **CHOICEPOINT, INC.**

22  
23 6) Plaintiff alleges that the defendant, CHOICEPOINT, INC., did knowingly obtain a copy of the  
24 plaintiff's, Equifax Credit file on: September 17, 2008, without a permissible purpose; pursuant to  
25 the: [FCRA] *U.S.C. Title 15, sec. 1681b, Permissible purposes of consumer reports*. Plaintiff  
26 further alleges that this [hard] inquiry into the plaintiff's Equifax credit file by the defendant [was  
27  
28

not] initiated by the plaintiff, and the defendant, otherwise had no other permissible purpose for knowingly obtaining a copy of plaintiff's: Equifax Credit file.

**COUNTRYWIDE FINANCIAL CORPORATION**

7) Plaintiff alleges that the defendant, COUNTRYWIDE FINANCIAL CORPORATION, did knowingly obtain a copy of the plaintiff's, TransUnion Credit file on: April 23, 2008, without a permissible purpose; pursuant to the: [FCRA ] *U.S.C. Title 15, sec. 1681b, Permissible purposes of consumer reports*. Plaintiff further alleges that this [hard] inquiry into the plaintiff's TransUnion Credit File by the defendant [was not] initiated by the plaintiff, and the defendant, otherwise had no other permissible purpose for knowingly obtaining a copy of plaintiff's: TransUnion Credit File.

**LANDSAFE CREDIT, INC.**

8) Plaintiff alleges that the defendant, LANDSAFE CREDIT, INC., did knowingly obtain copies of plaintiff's, Experian and Equifax Credit Files on: April 23, 2008, without a permissible purpose; pursuant to the: [FCRA ] *U.S.C. Title 15, sec. 1681b, Permissible purposes of consumer reports*. Plaintiff further alleges that these [hard] inquiries into plaintiff's: Experian and Equifax Credit Files by the defendant [were not] initiated by the plaintiff, and the defendant, otherwise had no other permissible purpose for knowingly obtaining copies of plaintiff's: Experian and Equifax Credit Files.

**PRAYER FOR RELIEF AND DEMAND FOR JUDGMENT**

9) For their willful noncompliance, plaintiff prays for judgment against the following defendants for the actual damages sustained by the plaintiff in the amount of: \$1,000.00, per each defendant, pursuant to: *U.S.C. Title 15, section: 1681n (a)(1)(B)*, in their so obtaining a copies of plaintiff's credit reports without a permissible purpose.

A) CHOICEPOINT, INC. [1] violation:	\$1,000.00
B) COUNTRYWIDE FINANCIAL CORPORATION [1] violation:	\$1,000.00
C) LANDSAFE CREDIT, INC. [2] violations:	\$2,000.00

10) Plaintiff prays for judgment against defendant, HEALTHCARE COLLECTIONS, INC., in the amount of: \$4,000.00, as the actual damages sustained by plaintiff pursuant to: *U.S.C. Title 15, section: 1681n (a)(1)(A)*, for their willfully failing to compile with the requirements imposed under: *U.S.C. Title 15, sec. 1681s-2, (Responsibilities of furnishers of information to the consumer reporting agencies)* in that they are reporting, and continuing to report, [4] adverse collection accounts to plaintiff's consumer credit files as a [non] licensed collection agency in the state of Arizona. Plaintiff also prays for injunctive relief in that the defendant be ordered to have the [ 4 ] adverse collection accounts removed from the respective credit files of the plaintiff.

11) Plaintiff prays also for judgment against all defendants jointly and/or severally for his taxable costs in bringing the lawsuit.

Dated this 20<sup>th</sup> day of November 2008.

By : 

Van E. Flury, plaintiff  
4009 W. Kiva Street  
Laveen, Arizona 85339  
(602) 237-9152, (602) 319-8777

**PROOF OF SERVICE**

**ORIGINAL** of the foregoing  
filed this 20<sup>th</sup> day of November 2008,  
with the: US District Court, 401 W.  
Washington, Phoenix, Arizona  
85003

**COPY** of the foregoing mailed this  
20<sup>th</sup> day of November 2008, to:

HealthCare Collections, Inc.  
c/o Statutory Agent: Larry Bird  
13845 N. 19<sup>th</sup> Avenue  
Phoenix, AZ 85023

BY: 

4009 W. Kiva Street  
Laveen, Arizona 85339  
(602) 237-9152, (602) 319-8777

Complaint - Fair Credit Reporting Act.